



# CITY OF MEMPHIS

## COUNCIL AGENDA

November 1, 2005

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (October 25, 2005)**

## CONSENT AGENDA

**GENERAL ORDINANCE - FIRST READING** (none)

**GENERAL ORDINANCES - SECOND READING** (none)

**ZONING ORDINANCE - FIRST READING**

1. **ORDINANCE** rezoning the northwest corner of Kimbrough Street and Eastmoreland Avenue, containing 1.09 acres in the Duplex Residential District, up for F I R S T reading.

Peete

Ordinance No. 5139

Case No. Z 05-119

Applicant: Union Realty Company, GP  
Ronald Harkavy – Representative

Request: Local Commercial (C-L) & Parking (P) Districts

LUCB recommendation: APPROVAL of Local Commercial (C-L) and  
Parking (P) Districts

OPD recommendation: REJECTION of Highway Commercial  
APPROVAL of Local Commercial (C-L) and  
Parking (P) Districts

ACTION REQUESTED: Adopt the ordinance on First reading

**ZONING ORDINANCE - SECOND READING** (none)

**ENGINEERING**

2. **RESOLUTION** approving final plat of FRONT BLUFF SUBDIVISION.

Case No. S 05-002

Contract No. CR-4984

Resolution approves the final plat located at the corner of South Front Street and Vance Avenue. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**NOTATIONS FROM OPD**

3. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 05-351cc – The Oaks at Davies Plantation P.D.

Located on the south side of Davies Plantation Road at St. Phillip Drive and the northeast side at Davies Plantation Cove, containing 55.05 acres in the Agricultural (AG) District

Applicant: Robert J. Denley  
Davis Engineering Co., Inc. – Representative

Request: Planned development to allow sixty-three (63) single family homes, including a lake and common open spaces within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 05-361 – Hudgins Road P.D.

Located at the South terminus of Hudgins Road; east of I-55 and South of Kilarney Road, containing 59.17 acres in the Single Family Residential (R-S8) District

Applicant: Ferrell Properties  
SR Consulting (Cindy Reaves) – Representative

Request: Lots 1&2 – Commercial Uses including an Automobile Dealership and a Billboard  
Lot 3 – 18 Office Showroom/Warehouse

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: November 15, 2005**



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## MLGW FISCAL CONSENT

4. RESOLUTION approving Change No. 3 to Contract No. 10871, HMO Benefit Group Agreement, with Aetna U.S. Healthcare, Inc. in an estimated funded amount of \$911,382.00. (This renews the contract for the third term, 1/1/06 through 12/31/06, and covers a 5.1% decrease in medical rates and a 7.4% increase in dental rates.) (Held from 10/25)
5. RESOLUTION approving Change No. 2 to Contract No. 10897, Medical Benefit Provider, with CIGNA Healthcare, Inc. in an estimated funded amount of \$4,183,054.00. (This renews the contract for the tenth term, 1/1/06 through 12/31/06, and covers a 3.2% rate increase.) (Held from 10/25)
6. RESOLUTION awarding Contract No. 11042, Facilities Location Services, to Heath Consultants, Inc. in an estimated funded amount of \$773,550.00.
7. RESOLUTION awarding Contract No. 11051, Roof Maintenance, to B Four Plid, Inc. in an estimated funded amount of \$38,840.00.
8. RESOLUTION awarding Contract No. 11058, Inductively-Coupled Plasma-Mass Spectrometer System (ICP/MS), to PerkinElmer Life and Analytical Science, Inc. in the funded amount of \$127,566.00.
9. RESOLUTION awarding Contract No. 11062, Underground Construction, to A & L Underground, Inc. in an estimated funded amount of \$8,678,497.81.
10. RESOLUTION approving Expedited Procurement Request for Change No. 1 to Contract No. 10976, Line Clearance, with Bean & Prince Contractors, Inc., in an estimated funded amount of \$1,481,572.40. (This renews the contract for the first term, 10/24/05 to 10/23/06.)
11. RESOLUTION approving Change No. 4 to Contract No. 10979, Network Maintenance, with Venture Technologies, in the funded amount of \$89,136.00. (This covers additional equipment maintenance and Cisco Certified Network Professional (CCNP) services for four new pieces of equipment.)
12. RESOLUTION awarding contract for crew cab and chassis to Lewis Ford, Inc. in the amount of \$59,998.30.
13. RESOLUTION awarding contract for rack-mount servers to Brytech, Inc. in the amount of \$27,180.00.
14. RESOLUTION awarding contract for digger derricks to Altec Industries, Inc. in the amount of \$191,000.00.
15. RESOLUTION awarding contract for air compressors to Williams Equipment & Supply Company, Inc. in the amount of \$34,630.00.
16. RESOLUTION awarding contract for hydraulic winch to Scruggs Equipment Company, Inc. in the amount of \$33,425.00.
17. RESOLUTION awarding contract for utility bodies, as follows:

Scruggs Equipment Company, Inc.....	\$81,509.00
Altec Industries, Inc.....	<u>17,232.00</u>
	\$98,741.00

18. RESOLUTION amending Purchase Order No. 121632 to reflect name change from Southern Monopole and Utilities Company to Thomas and Betts, and to cover increase in an estimated amount of \$600,000.00.
19. RESOLUTION amending Purchase Order No. 115742 with DLT Solutions, Inc. for software upgrade to cover increase in the amount of \$114,749.20.



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### APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

## REGULAR AGENDA

### PRESENTATIONS AND RECOGNITION OF VISITORS

20. RESOLUTION declaring November 7<sup>th</sup> – 12<sup>th</sup> as “Week of the Family.”  
Jones

ACTION REQUESTED: Adopt the resolution

21. APPOINTMENTS  
Marshall

#### Memphis & Shelby County Board of Adjustment

Jim Strickland – Reappointment

#### Memphis & Shelby County Board of Equalization

T. C. Haynes – Reappointment

#### Metro Alarm Review Board

Ervin B. Freeman – Appointment

### GENERAL ORDINANCES - THIRD AND FINAL READING

22. **ORDINANCE** amending Chapter 41, Code of Ordinances, City of Memphis, so as to update regulations for Wreckers and Towing Operators within the City of Memphis, up for T H I R D and F I N A L reading.(Held from 10/11; 10/25)  
Sammons Ordinance No. 5133

ACTION REQUESTED: Take whatever action Council deems advisable

23. **ORDINANCE** amending Chapter 4, Article III, Division 2 of the Code of Ordinances regarding general restrictions on issuance of License to Sell Beer for Off-Premises Consumption, up for T H I R D and F I N A L reading.(Held from 10/11; 10/25)  
Sammons Ordinance No. 5134

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (none)

EXECUTIVE DIVISION (none)

FINANCE & ADMINISTRATION (none)

DIVISION OF FIRE SERVICES (none)

**DIVISION OF GENERAL SERVICES**

24. RESOLUTION accepting an offer to purchase City of Memphis owned property, located on the south west corner of Trinity and Sanga Roads, in the amount of \$143,000.00. This surplus property has been subdivided as Lot 2, containing 35,977 square feet, more or less, of the Fire Station #54 Subdivision, two lots – 3.01 acres, (OPD Case No. S 02-038). Lot 2 has been approved for C-L (Neighborhood Commercial) Zoning.

Brown  
2<sup>nd</sup> & Final  
Reading

Resolution accepts an offer from Jatinder Sharma and Balivinder Kumar to purchase property located on the west side of Trinity Road and south side of Sanga Road in the City of Memphis, County of Shelby and State of Tennessee. Fire Services has determined that the subject property is surplus. The amount of the offer is \$143,000.00. Per Ordinance, the sale of the subject property is subject to the offer laying over for a subsequent council meeting for a second and final reading, at the second reading additional bids may be made subject to an initial increase of \$500.00 plus additional increases in increments of \$50.00 or more, with said bids being further subject to the terms and conditions of the Offer to Purchase Agreement.

Director of General Services and Director of Fire Services recommend approval.

ACTION REQUESTED: Adopt the resolution on Second & Final reading

25. RESOLUTION appropriating \$100,000.00 in G.O. Bond funds for an automated fuel system.

Brown

Council did include Automated Fuel System, CIP Project Number GS01017 as part of the Fiscal Year 2006 Capital Improvement Program.

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

26. RESOLUTION authorizing the sale of City owned vacant land at 1075 Rozelle in the South Memphis Area to Maudeania Moore in the amount of \$500.00. Parcel Number 03103000011.

Holt

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES** (none)**LAW DIVISION** (none)**DIVISION OF PARK SERVICES**

27. RESOLUTION including Church Park Renovations, located at Beale St. & Fourth, CIP Project Number PK07082, as part of the Fiscal Year 2006 Capital Budget. Resolution states the Administration is required to present a preliminary design to the appropriate Council Committee. Resolution further requests approval for continuation of plans and specifications for the taking of bids at an estimated construction cost of \$2,000,000.00. (Held from 10/25)

McCormick

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION appropriating \$5,671.00, funded by G.O. Bonds General in PK07064 for Bethel Labelle Playground.

McCormick

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC SERVICES** (none)

**DIVISION OF PUBLIC WORKS**

29. RESOLUTION amending the FY 2006 Capital Improvement Budget by creating a project for Sam Cooper Pedestrian Bridge at Sevier, Project Number PW 02025 and accepting \$185,000.00 funded by Local Other Revenue per agreement and establishing an allocation of \$160,500.00 for construction and \$24,500.00 for architecture and engineering funded by Local Other Revenue. Resolution also appropriates \$24,500.00 funded by Local Other Revenue for architecture and engineering for Sam Cooper Pedestrian Bridge at Sevier, Project Number PW02025.

Holt

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION accepting grant funds in the amount of \$2,584,746.00 from the Tennessee Department of Transportation for the Germantown Parkway Intelligent Transportation Grant to help relieve traffic congestion and related air pollution on Germantown Parkway Road, Stage Road (US 64), Winchester Road and connecting roadways. Resolution also amends the FY2006 CIP Budget to establish and appropriate grant funds.

Holt

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION amending the FY2006 Capital Improvement Budget by transferring a previous allocation of \$123,433.00 funded by G.O. Bonds General from Crumpler-Global to Shelby, Project Number PW01126 to Global Drive west to Hickory east to Crumpler, Project Number PW01129. Resolution also appropriates \$1,600,433.00 funded by G.O. Bonds General for Global Drive west to Hickory Hill east to Crumpler, Project Number PW01129 for a construction contract with Chancellor and Son, Inc.

Holt

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**ZONING ORDINANCES - THIRD AND FINAL READING**

32. **JOINT ORDINANCE** readopting #5028AM, adopted by the Shelby County Board of Commissioners on May 28, 2004 and the Council of the City of Memphis on July 6, 2004; so as to make certain technical and formatting corrections therein, up for T H I R D and F I N A L reading. (Held from 1/4; 4/19; 5/3)

Peete

Ordinance No. 5087  
Case No. ZTA 03-002cc

Applicant: Memphis & Shelby County Office of Planning & Development  
Mary Baker – Representative

Request: To readopt Ordinance #5028AM, to make technical and formatting corrections by deleting text and providing for modifications on the following pages: 6, 13, 17, 20, 22, 24, 26, 27 and 28

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**NO NOTICES WERE REQUIRED**

33. **ORDINANCE** amending Section 29, Signs and Section 30, Nonconformities, up for T H I R D and F I N A L reading. (Held from 10/25)

Peete

Ordinance No. 5136  
Case No. ZTA 05-001cc

Applicant: Office of Planning & Development

Request: Amend Section 29, Signs to expand the statement of intent regarding the location of off-premise signs and amend Section 30, Nonconformities regarding alteration, expansion, replacement and moving of off-premise and all signs

Recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**NO NOTICES WERE REQUIRED**

34. **ORDINANCE** extending from the northern terminus of Hunter's Glade Lane to the eastern terminus of Callie Manor Drive, containing 22.63 acres in the Agricultural (AG) District, up for T H I R D and F I N A L reading

Peete

Ordinance No. 5138  
Case No. Z 05-114cc

Applicant: Hilliard, Boysen & Tribble  
The Bray-Davis Firm, LLC – David Bray - Representative

Request: Single Family Residential (R-S15) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**204 NOTICES MAILED ON OCTOBER 21, 2005**

**DIVISION OF PLANNING & DEVELOPMENT** (none)

**PUBLIC HEARINGS**

35. **RESOLUTION** approving a planned development located on the southwest corner of Dexter Road and Dexter Lane, containing 8.06 acres in the Agricultural (AG) District.

Peete

Case No. PD 05-325cc

Applicant: Tommy Thompson  
Davis Engineering (Mark Davis) – Representative

Request: Parcel A – 28 Residential Lots  
Parcel B – Commercial Uses

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**1009 NOTICES MAILED ON OCTOBER 21, 2005**

36. **RESOLUTION** approving a planned development located on the west side of Mendenhall; at the western terminus of Barry Road, containing 1.36 acres in the Single Family Residential (R-S10) District.(Held from 9/20; 10/11; 10/25)

Peete

Case No. PD 05-334

Applicant: MARS Development, LLC  
Bray-Davis Firm (David Bray) – Representative

Request: Six Residential Lots

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

**51 NOTICES MAILED ON SEPTEMBER 9, 2005**

37. RESOLUTION approving a planned development located on the northwest and northeast corners of Battle Creek Drive and Raleigh LaGrange Road, containing 7.26 acres and is governed by conditions of the Hidden Woods P.D. (P.B. 139, Pg. 12). (Held from 10/25)

Peete Case No. PD 05-349

Applicant: Harold W. Krag, III  
James Callahan – Representative

Request: 1. Amend Condition I.C to reduce the number of Open Space Areas from ten (10) to eight (8)

2. Amend the Open Space Areas to delete 2.72 acres and combine it with Area “I” to allow nine(9) single family lots (minimum lot size = 7,300 square feet).

3. Amend Area “F” to allow 3.53 acres of the southern portion of the site to allow twenty-two(22) residential lots (minimum lot size = 4,075 square feet).

LUCB and OPD recommendation: APPROVAL. with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**112 NOTICES MAILED ON OCTOBER 14, 2005**

38. RESOLUTION approving a planned development located on the east side of Graham Street; +150 feet south of Given Avenue, containing 2.35 acres in the Single Family Residential (R-S6) District. (Held from 10/25)

Peete Case No. PD 05-350

Applicant: MARS Development, LLC  
The Bray-Davis Firm, LLC – Representative

Request: A planned development to create eleven (11) single family detached lots with a minimum lot size of 6,106 square feet within the plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**120 NOTICES MAILED ON OCTOBER 14, 2005**

39. RESOLUTION approving a street/alley closure located on Wesley Drive, between Pace Road and Faronia Road, containing 1.139 acres.

Peete Case No. SAC 05-610

Applicant: Methodist Healthcare – Tom Tollett  
Homer Branan, III – Representative

Request: Close & Vacate Street Right-of-Way

LUCB and OPD recommendation: REJECTION

**12 NOTICES RE-MAILED ON OCTOBER 24, 2005**

**GENERAL ITEM**

40. ELECTION of Interim Council Member for District 4.

Ford

**ADJOURNMENT**

**ADD-ONS**

41. RESOLUTION approving final plat of COTTON PLANT GROVE SUBDIVISION, 1<sup>ST</sup> ADDITION, SECTION 'B'.

Consent

Case No. S 00-025

Contract No. CR-4985

Resolution approves the final plat located west of Cotton Plant Road, south of Cotton Grove Lane. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

**ACTION REQUESTED:** Adopt the resolution

42. RESOLUTION approving final plat of SOMAIN-IAC SUBDIVISION.

Consent

Case No. S 05-029

Resolution approves the final plat located on the southeast corner of South Main Street and Vance Avenue. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

**ACTION REQUESTED:** Adopt the resolution

3. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

C. Case No. SR 05-901 – ROBERT WOODS SUBDIVISION, SECTION A

Located on the east side of Oak River Road; @ the eastern terminal of River Fall Drive, containing 0.362 acre in the Single Family Residence/Single Family Residential (RS-15) District overlaid by Oak River Green Planned Development (P.D. 05-306)

Applicant: Gray's Creek Dev. Corp. LP  
Brenda Solomito – Representative

Request: 1 Lot Plat Revocation

LUCB and OPD recommendation: APPROVAL, with conditions

**ACTION REQUESTED:** Set a date of public hearing

**SUGGESTED DATE:** November 15, 2005

43. RESOLUTION accepting grant funds in the amount of \$45,000.00 from the Tennessee Historical Commission to conduct a survey of historic properties in the City of Memphis. Resolution also amends FY 2006 Operating Budget to allocate grant and matching funds.

Peete

**ACTION REQUESTED:** Adopt the resolution

**ACTION TAKEN BY COUNCIL ON THIS DATE**

1. & 2 – Approved
3. Public Hearing Set for November 15, 2005
4. & 5 – Approved

**ADD-ONS**

6. Back to Committee on November 15, 2005
7. & 8 – Approved
9. Back to Committee on November 15, 2005
10. Through 21 – Approved
22. Held until December 6, 2005
23. Back to Committee on December 6, 2005
24. Through 26 – Approved
27. Held until November 15, 2005
28. Through 30 – Approved
31. Held until November 15, 2005
32. Dropped
33. Held until November 15, 2005
34. Through 36 – Held until December 6, 2005
37. Approved, as amended
38. Dropped
39. Delayed until January 17, 2006
40. Through 43 – Approved

**ACTION TAKEN ON THE MINUTES OF OCTOBER 25, 2005 MEETING**

Approved, with the exception of items #52- SUP 05-207 & #53- SUP 05-208, being held until November 15, 2005

**ACTION TAKEN ON THE MINUTES OF ITEM#40-ELECTION OF INTERIM COUNCIL MEMBER FOR DISTRICT 4, FROM NOVEMBER 1, 2005 MEETING**

Approved